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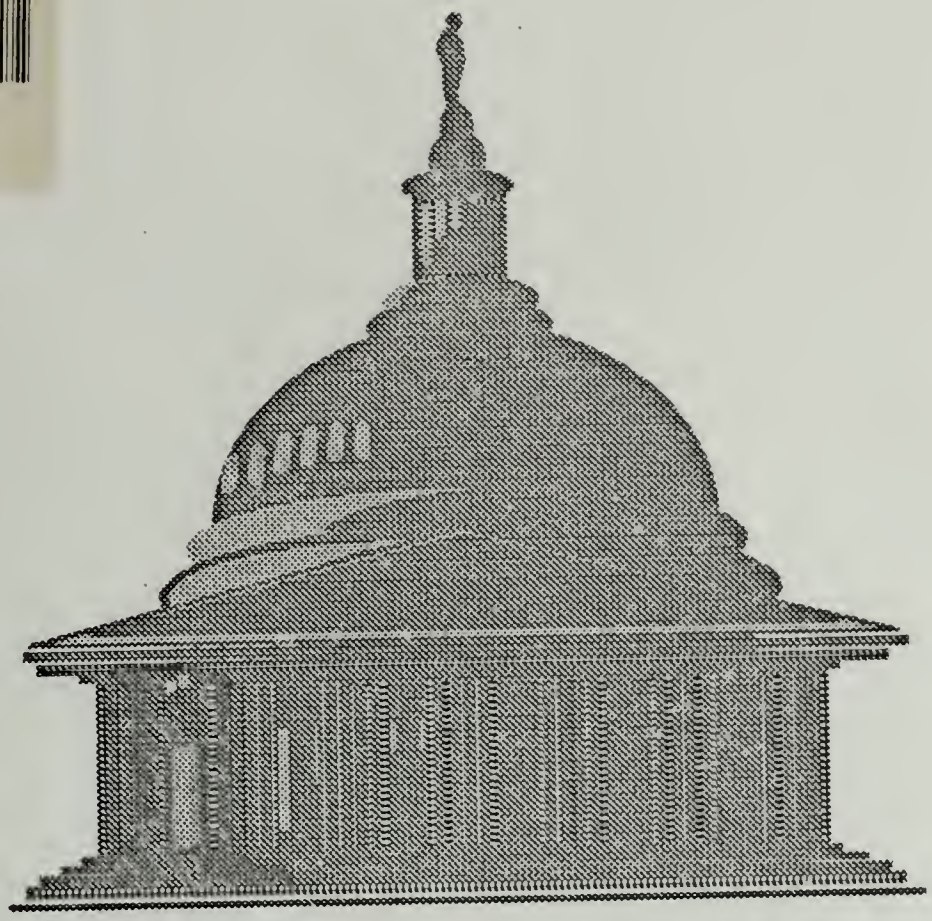

Massachusetts Real Estate License Law and Regulation

GOVERNMENT DOCUMENTS
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M.G.L. CH. 13

sec. 54. Board of Registration of Real Estate Brokers and Salesmen; Appointment; term; re appointment; Filling of Vacancies.

There shall be a board of registration of real estate brokers and salesmen, in this section and in sections fifty-five to fifty-seven, inclusive called the board, to be appointed by the governor, with the advice and consent of the council, consisting of five members, citizens of the commonwealth, three of whom shall be actively engaged in the real estate business as a full-time occupation for at least seven years prior to their appointment and who shall be licensed real estate brokers, and two of whom shall be representatives of the public. The governor shall designate the chairman. As the term of office of a member of the board expires, his successor shall be appointed by the governor, with like advice and consent, to serve for five years. Each member shall be eligible for re appointment and shall serve until the qualification of his successor. The governor may also, with like advice and consent, fill any vacancy of the board for the unexpired portion of the term.

sec. 55. Same Subject; Meetings.

The board shall hold at least four meetings each year and may hold special meetings as required. Time, place and notice of all meeting shall be as required by rules or by-laws made by the board. A quorum shall consist of three members. In case of vacancy in the office or the absence of the chairman the senior member shall perform the duties of the chairman. A written record which shall be open to public inspection shall be kept of all meetings and of the business transacted thereat.

sec. 56. Same Subject; Rules or Bylaws; Seal; Annual Report.

The board may make such rules or by-laws, not inconsistent with the law, as it may deem necessary in the performance of its duties. The board shall have a seal. The board shall annually render to the governor and the general court a report of its proceedings, which shall include an itemized statement of all receipts and expenses of the board for the year.

sec. 57. Same Subject; Compensation and expenses; Employment of Secretary and Clerical and Technical assistants and Compensation thereof.

Each member of the board shall serve without compensation, but shall be paid by the commonwealth the expenses necessarily incurred by him in the discharge of his official duties. The board may, subject to chapter thirty-one, employ a secretary and such other clerical and technical assistants as may be necessary to discharge its official duties, shall establish their duties, and, subject to the provisions of sections forty-five to fifty, inclusive, of chapter thirty, shall fix their compensation which shall be paid by the commonwealth. The commonwealth shall provide the board with adequate office space and shall pay the expenses of the board in the performance of its duties.

M.G.L. CH. 112

sec. 87PP. Definitions

For the purposes of sections eighty-seven PP to eighty-seven DDD, inclusive, the following words and phrases, unless the context otherwise requires, shall have the following meanings:-

"Board", the board of registration of real estate brokers and salesmen.

"Non-resident", shall include and deemed to apply to an individual whose principal place of abode is without the commonwealth and to corporation, society, association or partnership, organized, formed or existing under the laws of another state and which does not maintain a usual place of business within the commonwealth.

"Real estate broker", hereinafter referred as broker, any person who for another person and a fee, commission or other valuable consideration, or with the intention or with the expectation of upon the promise of receiving or collecting a fee, commission or other valuable consideration, does any of the following:- sell, exchange, purchases, rents or leases, or negotiates, or offers, attempts or agrees to negotiate the sale, exchange, purchase, rental or leasing of any real estate, or lists or offers, attempts or agrees to list any real estate , or buys or offers to buy, sells or offers to sell or otherwise deals in options on real estate, or advertises or holds himself out as engaged in the business of selling, exchanging, purchasing, renting or leasing real estate, or assists or directs in the procuring of prospects or the negotiation or completion of any agreement or transaction which results or is intended to result in the sale, exchange, purchase, leasing or renting of any real estate.

"Real estate salesman", hereinafter referred to as salesman, an individual who performs any act or engages in any transaction included in the foregoing definition of a broker, except the completion of the negotiation of any agreement or transaction which results or is intended to result in the sale, exchange, purchase, renting or leasing of any real estate.

sec. 87QQ. Sections 87PP to 87DDD Not to be Applicable to Certain Persons.

The provisions of sections eighty-seven RR to eighty-seven DDD, inclusive, shall not apply to the following:- any person whom, acting for himself as owner, lessor, leasee, tenant or mortgagee, shall perform any of the aforesaid acts of a broker or salesman with reference to real estate owned or leased or rented by or to him; the regular employees of any person aforesaid, with respect to such real estate, if such acts are performed in the regular course of, or as an incident to, the management of such real estate and the investment therein; any person, while acting for himself, who seeks to acquire, lease or rent real estate for his own use or investment or his regular employees acting in behalf of such person in the regular course of their employment; a person acting for himself in negotiating a loan secured or to be secured by a mortgage or other encumbrance upon real estate, of his regular employees acting therein in behalf of such person in the regular course of their employment; a managing agent while acting under a contract with the owner of the real estate or the regular employees of such agent acting in his behalf in the regular course of their employment; a person acting as a licensed auctioneer; a person buying selling or otherwise dealing in stock, bond or other security or certificate of beneficial interest in any trust; a public officer or employee while performing his official duties; a person acting as attorney in fact under a duly executed power of attorney from an owner of real estate authorizing the final consummation by performance of any contract for the sale, leasing or exchange of real estate; the services rendered to a client by an attorney at law in the performance of his duties as such; a receiver, trustee in bankruptcy, executor, administrator, guardian or conservator, while acting as such: a person selling real estate under order of any court; a trustee acting under a written instrument of trust, or deed or declaration of trust, or will, or his regular employees, acting in the course of their employment; a bank as defined in section one of chapter one hundred and sixty-seven or organized under the laws of the United States or an insurance company lawfully engaged in business in the commonwealth, or the regular employees of such bank or insurance company acting in the course of their employment, when such bank or insurance company is acting in any aforementioned capacity of fiduciary or is acting for itself in negotiating a loan secured or to be secured by a mortgage or other encumbrance upon real estate or is acting for itself with reference to real estate owned, mortgaged, leased or rented, by or to it or which it seeks to acquire, lease or rent for its own use; a credit union organized under chapter one hundred and seventy-one or the regular employees thereof acting in the course of their employment.

sec. 87RR. License to Engage in Business as Broker or Salesman; Relationship Between Salesman and Broker, Recovery of Fees.

Except as otherwise provided, no person shall engage in the business of or act as a broker or salesman directly or indirectly, either temporarily or as an incident to any other transaction, or otherwise, unless he is licensed.

No salesman may conduct or operate his own real estate business nor act except as the representative of a real estate broker who shall be responsible for the salesman and who must approve the negotiation and completion by the salesman of any transaction or agreement which results or is intended to result in the sale, exchange, purchase, renting or leasing of any real estate or in a loan secured or to be secured by mortgage or other encumbrance upon real estate. No salesman shall be affiliated with more than one broker at the same time nor shall any salesman be entitled to any fee, commission or other valuable consideration or solicit or accept the same from any person except his licensed broker in connection with any such agreement or transaction. A salesman may be affiliated with a broker either as an employee or as an independent contractor but shall be under such supervision of said broker as to ensure compliance with this section and said broker shall be responsible with the salesman for any violation of section eighty-seven AAA committed by said salesman.

Except as otherwise provided no person shall recover in any suit or action in the courts of the commonwealth for compensation for services as a broker performed within the commonwealth unless he was a duly licensed broker at the time such services were performed; provided, however, that nothing contained herein shall be construed as affecting the right of a licensed salesman to recover in a suit or action against a broker on any contract or agreement with said broker.

sec. 87SS. Requirements for Issuance of License; Compliance with sec. 87SS to 87DDD; Classroom Instruction; Written Examinations.

No license to engage as a broker or salesman shall be issued to any applicant unless he has complied with all the pertinent provisions of this section and sections eighty-seven II to eighty-seven DDD, inclusive, and if the applicant is an individual, unless he shall have satisfactorily passed a written examination conducted by the board or an independent testing service designated by the board, and, in the case of an application for broker's license by an individual resident of the commonwealth, unless he shall have had his principal place of abode within the commonwealth for one year next prior to the issuance of such license; provided, however, that any applicant who is an attorney at law of the commonwealth shall not be required to take such examination or to have had such principal place of abode for such period.

Every individual applicant for a license as a salesman who is required to take an examination therefor shall, as a prerequisite to taking such examination, submit proof satisfactory to the board that the has completed courses in real estate subjects approved by the board, such courses to total twenty-four classroom hours of instruction; provided, however, that applicants having successfully completed a course in real property while enrolled in an accredited law school in the commonwealth may also take such examination. Every individual applicant for a license as a broker who is required to take an examination therefor shall, as a prerequisite to taking such examination, submit proof satisfactory to the board that he has been actively associated with a real estate broker for a period of one year as a real estate salesman and that he has completed additional courses in real estate subjects approved by the board, such courses to total thirty classroom hours of instruction.

Such examination shall be prepared by the board or the designated independent testing service to enable the board to determine the competence of the applicant to transact the business of a broker or a salesman. The board or its designated independent testing service shall conduct such examinations at least six times in each calendar year for broker's examinations and at least eight times in each calendar year for salesman's examinations. There shall be no limit placed on the number of applicants who may take the examinations on any examination date. In determining competence the board shall require proof that the applicant has a fair understanding of the principles of real estate practice, real estate agreements and principal and agent relations, of the rudimentary principles of the economics and appraising of real estate, and of the provisions of sections eighty-seven PP to eighty-seven DDD, inclusive. The examination for a salesman's license shall be based upon the same general subject matter as for a broker's license, but shall be more elementary in character.

The board may make, and from time to time alter, amend or repeal rules and regulations for the conduct of such examinations not inconsistent herewith.'

s 87TT. Requirements for Issuance of License; Application for License; Issuance; Bond by Applicant for Broker's License; Temporary License upon Death of Broker.

Applications for licenses, signed and sworn to by the applicant, shall be made on forms furnished by the board and shall be accompanied by the prescribed fee for examination. The fee for the issuance of the license shall be payable upon receipt of notice of passing the examination. Each applicant shall furnish evidence of good moral character. If an application for a broker's license is made by a corporation, society, association or partnership, evidence of the good moral character of all the officers and directors, or holders of similar positions, or of all the partners, as the case may be, shall also be furnished. No license shall be issued unless evidence of good moral character, as required by this section is found.

No license shall be issued unless the application has been on file with the board at least ten days. No broker's license shall be issued to any individual under eighteen years of age.

No broker's license shall be issued or renewed until the applicant gives to the board a bond in the form approved by said board in the sum of five thousand dollars, executed by the applicant and by a surety company authorized to do business within the commonwealth, or by the applicant and by two good and sufficient sureties approved by the board. Said bond shall be payable to the commonwealth, for the benefit of any person aggrieved, and shall be conditioned upon the faithful accounting by the broker for all funds entrusted to him in his capacity as such. Any person so aggrieved may bring suit on the bond in his own name; provided, however, that the aggregate liability of the surety to all such persons shall, in no event, exceed the sum of such bond. The board may revoke the license of any broker whenever the bond filed by him ceases to be in full force and effect.

In the event of the death of a licensed broker who is the sole proprietor of a real estate business, the board shall, upon application by his legal representative, issue, without examination, a temporary license to such legal representative, or to an individual designated by him and approved by the board, upon filing of a bond as aforesaid and the payment of the prescribed fee, which shall authorize such temporary licensee to continue to transact said business for a period not to exceed one year from the date of death subject to all other provisions of sections eighty-seven PP to eighty-seven DDD applicable to a licensed broker except that such temporary license shall not be renewed.

sec. 87UU. Issuance of Broker's License to Corporation, etc.; Effect; No Salesman's License to Be Issued to Corporation, etc.

An application for a broker's license by a corporation, society, association or partnership shall designate at least one of its officers of partners as its representative for the purpose of obtaining its said license, and each such officer or partner so designated shall apply to the board for a broker's license in his own name at the same time unless he is already as licensed broker.

No broker's license shall be issued to a corporation, society, association or partnership unless an officer or partner so designated has been issued a broker's license as an individual. when the officer or partner so designated has been issued a broker's license as an

individual and the corporation, society, association or partnership has compiled with all pertinent requirements for the issuance of a broker's license to it, the board shall, for a fee (of seventy-five dollars paid in advance to the board,) issue to it a broker's license which shall also bear the name of each designated officer or partner to whom a broker's license as an individual has been issued, and each such designated officer or partner shall be entitled to perform all the acts of a broker as agent or officer of such corporation, society, association or partnership, but shall not so act on his own behalf so long as he continues to be a designated officer or partner, unless the written consent thereto of such corporation, society, association or partnership (shall cease) unless at least one such designated officer or partner, as the case may be, is a licensed broker. If any designated officer or partner shall be refused a license or renewal, or if his license is revoked or suspended, or if he ceases to be connected with or to act in behalf of such corporation, society, association or partnership, it shall have the right to designate another officer or partner in his place who shall apply for a broker's license as an individual, unless he is already a licensed broker. Upon the death or disability of a sole designated officer or partner, who has been licensed, or upon the severance of his connection with the corporation, society, association or partnership, the corporation, society, association or the surviving partner or partners or successor partnership of the licensed partnership, if any, acting by another officer or partner, as the case may be, may continue to transact business and to exercise all rights of a broker subject to such regulations as may be made by the board, for a period not to exceed one year from such death, disability or severance as if its license were in full force and effect, subject to the suspension or revocation of such privilege for any cause which would be grounds for the suspension or revocation of a license; provided, that it shall proceed with due diligence to qualify for the issuance of a new license; and provided, further, that the corporation, society, association or the surviving partner or partners or successor partnership, as the case may be, shall maintain in effect during said period a bond as prescribed in section eighty-seven TT as if a broker's license had been issued and was in effect for such period.

Except as otherwise provided, nothing in this section shall permit any other individual connected with any corporation, society, association or partnership, to which a license has been issued, to act as a broker or salesman on its behalf or otherwise without first obtaining a license so to act, and nothing in this section shall be construed as preventing any such other individual who is a licensed broker or salesman from acting as such on its behalf, if so authorized by it.

No salesman's license shall be issued to a corporation, society, association or partnership.

sec. 87VV. Unlicensed Salesman Not to Be Affiliated with Broker; Certain Acts of Licensed Salesman Prohibited; Notice of Change of Business Addressee.

No salesman who is not licensed shall be affiliated with a broker. A licensed salesman affiliated with a licensed broker shall not act as salesman for any other licensed broker while so affiliated, nor accept any valuable consideration for the performance of any act a s a real estate salesman from any person except the broker with whom he is affiliated. A licensed salesman shall promptly give written notice to the board of any change of his business address, and failure to give such notice shall be grounds for the revocation of such license.

sec. 87WW. Licensing of Non-Resident as Broker or Salesman; Appointment of Chairman of Board to Receive Service of Process.

A non-resident may be licensed as a broker and a non-resident individual may be licensed as a salesman upon conforming to all pertinent provisions of sections eighty-seven PP to eighty-seven DDD, inclusive; provided, that the board may exempt from the written examination prescribed in section eighty-seven SS a broker or salesman duly licensed in any other state of the United States under the laws of which a similar exemption is extended to licensed brokers and salesmen of the commonwealth. Such non-resident licensee shall not be required to maintain a usual place of business within the commonwealth; provided, that such non-resident broker shall maintain a usual place of business within such other state in which he is so licensed.

No license shall be issued to such non-resident until he shall have filed with the chairman of the board a power of attorney constituting and appointing said chairman and his successor his true and lawful attorney, upon whom all lawful processes in any action or legal proceeding against him may be served, and therein shall agree that any lawful process against him which may be served upon his said attorney shall be of the same force and validity as if served on said non-resident, and that the authority thereof shall continue in force irrevocably as long as any liability of said non-resident remains outstanding in the commonwealth. Service of such process shall be made by leaving duplicate copies thereof in the hands or office of the chairman, and the chairman shall forthwith send one of said copies by mail, postage prepaid, addressed to the defendant at his last address as appearing on the records of the board. One of the duplicates of such process, certified by the chairman as having been served upon him, shall be deemed sufficient evidence of such service, and service upon such attorney shall be deemed service upon the principal.

sec. 87XX. Issuance of License; Form; Term; Renewal; Board to Keep Record and Provide for Publication of Lists of Licensed Brokers and Salesmen.

The board shall issue a license to an applicant who has complied with all pertinent requirements which shall entitle him to act as a broker or a salesman, as the case may be; provided, however, that a license issued to a corporation, society, association or partnership shall not authorize any unlicensed individual connected therewith to act as broker or salesman except as expressly provided in section eighty-seven UU. Such license shall be in such form as the board may determine, shall set forth the name and address of the licensee, shall specify the nature of the license, whether for a broker or salesman, the date of issuance, and shall bear a facsimile of the seal of the board. Except as otherwise provided in section eighty-seven UU in the case of a license issued to a corporation, society, association or partnership, a license shall be valid for a period of two years from the date of issue unless sooner suspended or revoked and shall be valid for a period of two years from the date of issue unless sooner suspended or revoked and shall be renewed by the board biennially thereafter, without examination, upon payment of the fee prescribed in section eighty-seven ZZ; provided, that the application for renewal is made not later than one year from the expiration of the license, and the applicant, if an individual, or, if a corporation, society, association or partnership, each officer and director or holder of similar position or each partner, of whom evidence of good moral character is required in connection with the application for an original license in section eighty-seven TT, has not been found to be disqualified because of lack of good moral character, or for any ground set forth in sections eighty-seven PP to eighty-seven DDD, inclusive; and, provided, further, that the license of a corporation, society, association or partnership shall be renewed only upon the renewal of the individual license of at least one of its designated officers or partners as the case may be. No fee shall be required of a corporation, society, association or partnership for the renewal of its license. Applications for renewals of licenses shall be signed and sworn to by the applicant and shall be made on forms furnished by the board. Such application forms shall be mailed by the board to each broker and salesman registered with the board, together with notice of the expiration of his license, not less than thirty days prior to such expiration. Renewal licensed shall be in such form as the board may determine. Notwithstanding the foregoing, the license originally issued to an individual shall be valid until the anniversary of the licensee's date of birth next occurring more than twenty-four months after the date of issuance. The board shall keep a record of all licensed brokers and salesmen which shall be open to inspection by the public and shall, from time to time, cause to be printed a new or revised publication containing an alphabetical list of such brokers and

salesmen, together with their addresses, accompanied by such other information relative to the enforcement of the provisions of this chapter as it may deem of interest to the public.

sec. 87XX½. Continuing Education

Any person holding a real estate broker or salesman license, which is subject to renewal on or after January First, nineteen hundred and ninety-nine, shall, within twenty-four months prior to each renewal, satisfactorily complete courses or programs of instruction approved by the board; provided, that for licenses renewed on or before December thirty-first, two thousand, the attendance at such courses or programs of instruction shall be equal to a total of twelve hours; and provided, further, that for licenses renewed on or after January first, two thousand and one, such number shall be no less than six hours but no more than twelve hours as determined by the board. The curriculum contained in such courses or programs shall contain at least six hours of instruction concerning or related to compliance with laws and regulations selected from any of the following subjects: fair housing; equal employment opportunity; accessibility for the disabled; agency law; environmental issues in real estate; zoning and building codes; real estate appraisal and financing; property tax assessments and valuation; and real estate board regulations. The board shall certify in advance the curriculum forming the basis of such courses and programs which satisfy the provisions of this section.

Every person who is subject to the provisions of this section shall furnish, in a form satisfactory to the board, written certification that the required courses or programs were successfully completed. Upon such completion of approved courses or programs, the licensee shall be deemed to have met the continuing education requirements of this section for license renewal. Every person who fails to furnish, in a form satisfactory to the board, written certification that the required courses or programs were completed shall be granted inactive status by the board upon renewal of his license in accordance with section eighty-seven XX.

Any person failing to meet requirements imposed upon him by this section or who has submitted to the board a false or fraudulent certification of compliance therewith, shall, after a hearing thereon, which hearing may be waived by such person, be subject to the suspension of his license until such time as such person shall have demonstrated to the satisfaction of the board that he has complied with all of the requirements of this section as well as with all other laws, rules and regulations applicable to such licensing.

The provisions of this section shall not apply to any person licensed by the board under the provisions of section eighty-seven SS who is not required to take an examination to be licensed; provided, however, that any out-of-state licensee who receives reciprocity from the board to practice in the commonwealth shall demonstrate to the board compliance with a continuing education program in such licensee's home state.

The provisions of this section shall not apply to any person licensed by the board who has been granted inactive status by the board. A person licensed by the board and whose license is inactive may not engage in the business of, or act as, a real estate broker or salesman, as defined in section eighty-seven PP, except that he may assist with or direct the procuring of prospects and may receive referral fees for such procurement activities. A person licensed by the board whose license is inactive shall be considered unlicensed for the purposes of section eighty-seven RR. Engaging in the business of, or acting as, a real estate broker or salesman while a license is inactive, except as otherwise provided in this section, may be grounds for the revocation of such license. A person licensed by the board and whose license is inactive shall renew such license in accordance with section eighty-seven XX while such license is inactive. A person licensed by the board and whose license is inactive may apply to the board to reactivate such license, upon demonstration of completion of the continuing education requirement for the renewal period immediately preceding the application for reactivation of such license and compliance with all then acceptable requirements for licensure.

The board shall perform such duties and functions necessary to carry out the provisions of this section and shall promulgate rules and regulations pertaining to the development and administration of an inactive license designation. Such rules and regulations shall include, but not be limited to, developing procedures for the granting of inactive status, the reactivation of licenses, renewal fees and notification of licensees of continuing education requirements prior to license reactivation.

The board of registration of real estate brokers and salesmen, created pursuant to sections eighty-seven PP through eighty-seven DDD, inclusive, of chapter one hundred and twelve of the General Laws, shall promulgate rules and regulations to implement the provisions of this act within one hundred and eighty days after its effective date.

sec. 87YY. Licensed Resident Broker to Maintain Usual Place of Business; Display of License Therein; Notice of Change of Business Location.

A licensed resident broker shall maintain a usual place of business in the commonwealth and shall display conspicuously therein or in any branch thereof his license or a certified copy thereof. He shall promptly give written notice to the board of any change of business location, and the board shall issue a new license for such new location for the unexpired term of such license. failure to give such notice shall be grounds for the revocation of such license.

sec. 87ZZ. Fees.

Fees, as determined annually by the commissioner of administration under the provision of section three B of chapter seven, shall be paid by individuals in advance for the following:-

[From and after July 1, 1985, paragraph (a) shall read as follows:]

(a) For each examination for a broker's license, fifteen dollars; for each examination for a salesman's license, eight dollars; provided, however, that a veteran holding an honorable discharge or a blind person shall not be required to pay any examination fee; and provided, further, in the event the examination is conducted by an independent testing service designated by the board under authority of section eight-seven Ss, in addition to the above fee, each individual shall pay to the testing service a fee, approved by the board, covering the actual cost of giving the examination.

(b) Issuance and renewal of a broker's license; provided, however, that a blind person or a veteran suffering from paraplegia, as defined in section six B of chapter one hundred and fifteen, shall not be required to pay such fee.

(c) Issuance and renewal of a salesman's license; provided, however, that a blind person or a veteran suffering from paraplegia, as defined in section six B of chapter one hundred and fifteen, shall not be required to pay such fee.

(d) The applicable fee for the issuance of a license shall be adjusted by the board on the basis of each month during which the license originally issued would be valid unless revoked or suspended and, for this purpose, any part of a month shall be considered as a full month.

sec. 87AAA. Suspension, Revocation or Refusal of Renewal of License; Grounds; Reinstatement; Other Punishment.

The Board may, and upon the verified complaint in writing of a aggrieved person shall, investigate the action of any broker or salesman or any person who attempts to act in such capacity within the

commonwealth, and, in addition to any grounds hereinbefore enumerated, may suspend, revoke or refuse to renew any license which it has found to have been obtained by false or fraudulent representation. The board may suspend, revoke or refuse to renew any license, when the board has found as a fact that the licensee, in performing or attempting to perform any act authorized by his license, has (a) knowingly made any substantial misrepresentation; (b) acted in the dual capacity of broker and undisclosed principal in the same transaction; (c) acted for more than one party to a transaction, without the knowledge and consent of all the parties for whom he acts; (d) failed, within a reasonable time, to account for or remit any moneys belonging to others which have come into his possession as a broker or salesman; (e) paid commissions or fees to or divided the same with any person, who, being required to be licensed as a broker or salesman in this or any other state, is not so licensed; (f) accepted, given or charged, any undisclosed commission, rebate or profit on expenditures for a principal; (g) induced any party to a contract or lease relating to real estate to break the same when such action is effected for the personal gain of the licenses; (h) commingled the money or other property of his principal with his own; (i) failed to give to both the buyer and seller a copy of the purchase and sale agreement; or (j) committed any act expressly prohibited in sections eighty-seven RR to eighty-seven CCC, inclusive; (k) affirmatively solicited for sale, lease, or the listing for sale or lease, of residential property on the grounds of alleged change of value due to the presence or the prospective entry into the neighborhood of a person or persons of another race, economic level, religion or ethnic origin or distributes, or causes to be distributed, material or makes statements designated to induce a residential property owner to sell or lease his property due to such change in the neighborhood; or (l) accepted from a prospective seller a net listing, an agreement to sell real estate for a stated price which authorized the broker to keep as commission any amount of money received from the sale of said real estate in excess of the stated price. The board shall, after notice by the Massachusetts commission against discrimination that said commission has made a finding, which finding has become final, that a licensed broker or salesman committed an unlawful practice in violation of chapter one hundred and fifty-one B arising out of or in the course of his occupation as a licensed broker or salesman, shall suspend forthwith the license of said broker or salesman for a period of sixty days and, if the said commission finds that said violation by such licensed broker or salesman occurred within two years of the date of a prior violation of said chapter one hundred and fifty-one B, which finding has been final, it shall so notify the board, and the board shall forthwith suspend the license of such broker or salesman for a period of ninety days. Whoever violates the provisions of clause (k) shall be punished by a fine of not less than one thousand nor more than twenty-five hundred dollars, or by imprisonment for not more than six months, or both.

No broker shall engage in a sale in the commonwealth of real property located in a land development in another state which is the subject of promotional advertising in the commonwealth unless the owner or developer of such land has submitted to the board full particulars regarding such land and the proposed terms of sale thereof and has deposited with the board such sum as it shall determine, to pay the expense of the investigation hereinafter prescribed. Any broker acting for such owner or developer and his salesmen, shall comply with such rules, regulations, restrictions and conditions pertaining thereto as the board in its discretion may impose. The board shall investigate such matters and all reasonable expenses incurred by the board in such investigation shall be borne by the owner or developer of the property involved. No broker or salesman shall in any manner refer to the board of registration of real estate brokers and salesmen or to any member or employee thereof, in selling, offering for sale, or advertising or otherwise promoting the sale, mortgage or lease of any such property, nor make any representation whatsoever that such property has been inspected or approved or otherwise passed upon by said board or by any official, department or employee of the commonwealth. The board may suspend, revoke or refuse to renew any license when it has found that the licensee has failed to comply with the requirements of this paragraph or any part thereof.

The board may also suspend, revoke or refuse to renew any license when it has found that the licensee has been convicted of a criminal offense by a court of competent jurisdiction of this or any other state which demonstrates his lack of good moral character to act as a broker or salesman as the case may be.

The board may reconsider any decision made by it and may reinstate any license which has been suspended and reissue any license which has been revoked.

Any person whose license is suspended or revoked shall also be liable to such other punishment as may be provided by law.

sec. 87BBB. Enforcement by Board; Hearings and Matters Related thereto; Decisions; Appeal; Costs; Appeal Not to Stay Refusal, etc.

A. The board is hereby empowered to conduct such investigations and hearings and to take such action as may be appropriate and necessary to administer and enforce the provisions of sections eighty-seven PP to eighty-even CCC, inclusive, and to report the violation of any provision of said sections to the proper prosecuting officers. The board may require by summons the attendance and testimony of witnesses and the production of books and papers. Witnesses at hearings shall be duly sworn. Any member, or agent of the board designated for such purpose, may administer oaths, examine witnesses and receive evidence. The board may take testimony by deposition as in civil actions in the superior court. In case of the failure or refusal of a witness to appear and testify or to produce books and papers as required, the superior court for the county in which the investigation is carried on, or for the county in which the witness resides or has his principal place of business, upon application by the board, shall have jurisdiction to issue to such witness an order requiring such witness to appear before the board, there to produce books and papers, if so ordered, or to give testimony concerning the matter under investigation or in questions. Witnesses summoned before the board shall be paid the same fees and mileage paid to witnesses in civil cases in the courts.

B. Decisions of the board shall be by at least a majority thereof and shall be in writing, signed by the members making the same, and shall contain a statement of the reasons therefore including determination of each issue of fact or law necessary thereto, and shall be sent to each interested party. No renewal of a license shall be refused, and no license shall be suspended or revoked, except after a hearing, of which at least ten days' written notice, including a statement of the grounds and a copy of the complaint or charges, if any, which the board proposes to consider, shall be given to the applicant for renewal or the licensee, who shall have the right to appear personally and by counsel at such hearing and to cross-examine witnesses and to produce evidence. In the case of a decision refusing to grant an original license, such a hearing shall be held, if, within ten days of the receipt of the decision the applicant files a written request with the board for such a hearing. The board shall fix the time and place of all hearings.

C. Any person aggrieved by a decision of the board refusing to grant or renew, or suspending or revoking, a license after a hearing, may appeal to the superior court sitting in equity for the county wherein he resides or has his principal place of business, or to said court sitting in equity for the county of Suffolk; provided, that such appeal shall be filed in such court within twenty days following receipt of notification by the board of such decision. the court shall hear all pertinent evidence and determine the fact, and upon the facts as so determined, annul such decision if found to exceed the authority of the board, or make such decree or decision as justice and equity may require. The foregoing remedy shall be exclusive, but the parties shall have all rights of appeal and exception as in other equity cases.

Costs shall not be allowed against the board unless it shall appear to the court that the board acted with gross negligence or in bad faith or with malice in making the decision appealed from. Costs shall not be allowed against the party appealing from the decision of the board unless it shall appear to the court that said party acted in bad faith or with malice in making the appeal to the court.

Such appeal from a decision of the board refusing renewal of or suspending or revoking a license shall not operate as a stay of such refusal, suspension or revocation pending the final determination of such appeal.

sec. 87CCC. Penalty.

Whoever, without being licensed as required by section eighty-seven RR, acts as a broker or salesman or advertises that he is a broker or salesman shall be punished by a fine of not more than five hundred dollars.

sec. 87DDD. Section 61-65 Not to Apply to Board, etc.

The provisions of section sixty-one to sixty-five, inclusive, shall not apply to the board, to the registration or licensing of real estate brokers or salesmen, or to any real estate broker or salesman or to any person acting as such.

sec. 87DDD 1/2. Charging of Fees for Locating Dwelling Accommodations for Prospective Tenants: License Required.

No person shall engage in the business of finding dwelling accommodations for prospective tenants for a fee unless such person is a licensed broker or salesman as defines in section eighty-seven PP of chapter 112.

(254 CMR 1.00: Reserved)

254 CMR 2.00: Rules and Regulations

Section

2.01 Application for Licenses
2.02 Examinations
2.03 Licensing
2.04 Advertising
2.05 Miscellaneous
2.06 Promotional Sales of Out of State Property

2.01: Application for Licenses

(1) Filing. Applicants for licenses, signed and sworn to by the applicant shall be made in writing on forms furnished by the Board and shall be accompanied by the prescribed free for examination and be filed by mail or in person at the office of the Board.

(2) Moral Character. Each applicant shall furnish evidence of good moral character. All applications for licenses to act as real estate brokers or real estate salesmen shall be accompanied by the recommendation of three reputable citizens, not related to the applicant, who reside in or have their place of business in the Commonwealth, which recommendation shall certify that the applicant bears a good reputation for honesty and fair dealing and shall recommend that a license be granted to the applicant.

If an application for a broker's license is made by a corporation, society, association, or partnership, evidence of good moral character of all the officers and directors, or holders of similar positions, or of all the partners, as the case may be, shall also be furnished.

(3) Personal Appearance. Applicants may be required to appear at the office of the Board to be interviewed.

(4) Reports. The Board may require each applicant for a license to submit, before acting on such application, a report from an independent source pertaining to the previous occupation or any other information which is material to the qualification of such applicant for a license.

(5) Residence Requirement. Individual applicants must have had their principal place of abode within the Commonwealth for one year next prior to the issuance of a resident license.

2.02: Examinations

(1) Required. No license to engage as a broker or salesman shall be issued to any individual applicant unless he shall have satisfactorily passed a written examination conducted by the Board. As a prerequisite to taking the examination, brokers and salesmen must submit certification to the Board that required courses have been completed. This certification shall be valid for a period not to exceed twenty-four (24) months following the date on which the courses were completed. Any applicant who is an attorney at law of this Commonwealth shall not be required to take such examination.

(2) Must be Written. Examinations shall be written and in the English language. Examinations will be conducted at least six times in each calendar year for brokers' examinations and at least eight times in each calendar year for salesmen's examinations.

(3) Time Allowed. Time allowed for examinations will be set forth in the instructions to examinees.

(4) Notice of Time and Place. Applicants will be given written notice when and where to appear for examination.

(5) Examination Rules. The following examination rules will prevail, and violation of any part will be considered grounds for disqualification of the applicant:

(a) Examinees will not be permitted to refer to any notes, books, or memoranda.

(b) All computations must be shown on the blank pages of the examination paper.

(c) The copying of questions or the making of notes relative thereto is prohibited.

(d) No one shall be permitted to remove form the examination room copies of the examination prior to or subsequent to the examination.

(e) Examinees shall not leave the examination room for any reason until they have turned in to the proctor conducting the examination the complete examination papers and any other material relating thereto.

(6) Notification of Result. The results of the examination shall be mailed to the applicant.

(7) Re-Examination. An applicant who fails to attain a passing grade may file an application for re-examination with appropriate fee. No application for re-examination shall be permitted until a minimum of 30 days has elapsed after a prior failed examination. Notice and conduct of re-examination shall be as set forth for original examination under these rules.

No applicant who is licensed in Massachusetts as a real estate broker or salesman shall be permitted to be re-examined so long as such license is

valid and in effect, except that a licensed salesman may be permitted to take the examination for broker.

(8) Subject Matter. Broker examinations shall be such so that the Board may determine whether the applicant understands the principles of real estate practice, real estate agreements and principal and agent relations, principles of economics and appraising of real estate and Real Estate License Law. the examination for a salesman's license shall be based upon the same general subject matter as for a broker's license but shall be more elementary in character.

(9) Examination Not To Be Returned. The examination papers written by the applicant will not be returned to the applicant and the applicant will not be permitted to review his examination papers except by special vote of the Board.

(10) Notification. Applicants will not be notified of the results of their examinations until after the next regular monthly meeting of the Board.

(11) Payment of License Fee. An applicant who has been notified of passing the examination for real estate broker or salesman must pay the prescribed fee in or within 30 days from the date of notification. If the required fee is not paid within the specified period of time, the applicant shall be required to file a new application for re-examination and pay the prescribed fee for such re-examination. This requirement may be waived by the Board for good cause.

2.03: Licensing

(1) Application on File. No license shall be issued unless the application has been on file with the Board for at least 10 days.

(2) Brokers. No broker's license shall be issued to any individual under eighteen years of age.

(3) Salesmen. No salesman's license shall be issued to any individual under eighteen years of age.

(4) Bond. No broker's license shall be issued or renewed until the applicant gives to the Board a bond as required by law.

(5) Corporation. No broker's license shall be issued to a corporation, society, association, or partnership unless a designated officer or partner has been issued a broker's license as an individual. No salesman's license shall be issued to a corporation, society, association or partnership.

(6) Non-Residents. A non-resident may be licensed as a broker and a non-resident individual may be licensed as a salesman upon confirming to all pertinent provisions of the license law provided, that the Board may exempt from the written examination prescribed by law a broker or salesman duly licensed in any other state of the United States under the laws of which a similar exemption is extended to licensed brokers and salesmen of the Commonwealth. All non-resident brokers and salesmen must file with the chairman of the Board a power of attorney prior to the issuance of a license.

(7) Time License Valid. Brokers' and salesmen's' licenses issued to individuals shall be valid for two years from the date of issue and shall be renewed bi-annually thereafter, without examination, upon payment of the prescribed fee. The license originally issued to an individual shall be valid until the anniversary of the licensee's date of birth next occurring more than twenty-four months after the date of issuance. Corporation licenses shall be valid for two years from date of issue and shall be renewed biennially thereafter.

(8) Fees. The following fees shall be paid to the Board.

(a) For each examination for broker's license, $38.00**, for each examination for salesman's license, $31.00** provided, however, that veterans holding an honorable discharge or a blind person shall not be required to pay any examination fee.

(b) For issuance of a broker's license, original at the rate of $70.00** for twenty-four months, renewal $70.00**; provided however, that a blind person or a veteran suffering from paraplegia shall not be required to pay such fee.

(c) For issuance of a salesman's license, original, at the rate of $55.00** for twenty-four months; renewal, $55.00**; provided, however, that a blind person or a veteran suffering from paraplegia shall not be required to pay such fee.

(d) The applicable fee for issuance of a license shall be adjusted by the Board on the basis of each month or fraction thereof during which the license originally issued would be valid unless revoked or suspended. And, for this purpose, any part of a month shall be considered as a full month.

(e) For issuance of a broker's license, original, to a corporation ($150.00) dollars; renewal, $100.00**.

(9) Business Addressee. A licensed resident broker shall maintain a usual place of business in the Commonwealth. The license of a real estate broker who is engaged by or associated or affiliated with another real estate broker shall show as his business address the business address of the broker by whom he is engaged or associated or affiliated with.

(10) Two or More Brokers at One Addressee. When two or more licensed brokers occupy the same business offices, the contractual relationship between such brokers as it pertains to real estate brokerage, shall be disclosed by a letter of information addressed to and filed in the office of the Board.

(11) Broker Employee. A real estate broker who is employed by another real estate broker shall not engage any real estate salesmen during the term of such employment.

(12) Display of License. Each person, partnership, corporation, society, or association licensed as a real estate broker shall display such broker's license in a conspicuous place on the premises of the broker's place of business; and the licenses of any other brokers occupying the same place of business shall be similarly displayed.

(13) Business Name. A broker desiring to operate under a business or trade name shall indicate the proposed business or trade name to the Board with his application for broker's license. After the issuance of a license, the licensee shall send a certified copy of the business certificate on file in the city or town where such business is conducted, to the Board.

(14) Refund. No refund will be made, should any license be surrendered, suspended, or revoked.

(15) Singled License Required. No broker shall be licensed as a salesman while retaining a broker's license nor shall a salesman be licensed as a broker while retaining a salesman's license.

(16) Salesmen Cannot be Self-Employed. A licensed salesman must be engaged by a licensed broker and a licensed salesman shall not conduct his own real estate business.

(a) Salespersons who seek licensure as brokers must have been employed on an "active association" basis, as defined in 254 CMR 2.05, as a full time salesperson during a one year apprenticeship period.

(b) Full time employment constitutes twenty-five or more hours per calendar week whereby the applicant has worked under the supervision of his/her broker.

(c) The salesperson may apply for a broker's license upon having satisfied the apprenticeship requirement, as previously provided, for a period not to exceed two years from the date, if any, that such apprenticeship is terminated.

(17) Board to be Notified of Business Relationship. Brokers shall furnish the Board with the names, addresses and license numbers of all brokers and salesmen engaged by them at the commencement of such association or affiliation and shall further notify the Board of the termination of such relationship at the time such relationship is terminated.

(18) No fee or commission shall be paid to or shared by an owner's managing agent or its employees as a result of the sale of real estate for the owner unless such agent and its employees are licensed real estate brokers and salesmen.

**The indicated fee changes were made to reflect the provisions of Section 52, 53 and 54 of Chapter 684 of the Acts of 1972.

2.04: Advertising.

(1) Blind Advertising Prohibited. Every broker shall, when advertising real estate to buy, sell, rent, mortgage, or exchange either through classified advertisements, or otherwise, affirmatively and unmistakenly indicate that the party advertising is a real estate broker and not a private party, except that if a broker is the actual owner of the property which he is advertising he shall have all the rights of the non-broker owner. No broker shall insert advertisements if any publication where only a post office box number, telephone number, or street address appears.

(2) Salesmen Prohibited From Advertising. Salesmen are prohibited from advertising to purchase any property or offering for sale, rent, or lease any property under their own name. All advertising must be under the direct supervision and in the name of the broker by whom he is engaged provided, however, that a salesman, if he is the owner of the property which he is advertising, shall have all the rights of the non-salesman owner.

(3) Discriminatory Advertising. No broker shall advertise to buy, sell, rent, mortgage, or exchange any real property in any manner that indicated directly or indirectly unlawful discrimination against any individual or group because of race, creed, color, or national origin.

2.05: Miscellaneous.

(1) Unless otherwise agreed to in writing by the parties, all monies of whatever kind and nature belonging to others and accepted by the broker shall be deposited in a fiduciary bank account maintained by the broker as a depository for funds belonging to others and shall be retained in said account until the transaction involved is consummated or terminated and at such time proper account shall be made. A fiduciary bank account may be an interest bearing account but such interest shall be included in the proper account at the end of each transaction.

(2) All monies of deposit of payment received by a real estate salesman or a broker engaged by another broker, shall be turned over to such broker.

(3) A real estate broker or salesman shall not directly or indirectly buy for himself property listed with him, or acquire any interest therein, without first making full disclosure thereof and obtaining the acknowledgment of such disclosure by the owner.

(4) No broker or salesman shall advise against the use of the services of an attorney in any real estate transaction.

(5) Before a real estate broker or salesman buys property for a client, in the ownership of which the broker or his kin has an interest, he shall disclose his interest to all parties to the transaction.

(6) Before a real estate broker or salesman sells property in which he or his kin owns an interest, he shall make such interest known to the purchaser.

(7) All complaints submitted to the Board shall be in writing and signed by the complainant.

(8) Every broker shall keep records of funds deposited in his escrow account, which records shall clearly indicate the date and from whom he received the money, date deposited, date of withdrawals, and other pertinent information concerning the transaction, and shall clearly show for whose account the money is deposited and to whom the money belongs. All such funds and records shall be subject to inspection by the Board or its agents.

(9) A broker shall not take an option to himself, either directly or indirectly, upon property for the sale of which he has been approached by the owner to act as a broker, without first making his true position clearly known that he is now acting as a prospective buyer and is no longer acting as a broker or agent for the owner.

(10) A broker or salesman, upon notice of suspension or revocation of his license, shall forwarded the same at once to the Board.

(11) All offers obtained by brokers or salesmen on any properties listed with them shall be forthwith conveyed to the owner of said real estate.

(12) The license of a real estate broker or salesman may be suspended or revoked for the acceptance by such broker or salesman of a net listing from an owner or landlord for the rental of residential or commercial real property.

(13) Removed.

(14) Active Association. As used herein, active association means that a salesperson acts as the agent for the broker or record in carrying forth those activities defined in M.G.L. c. 112, sec. 87PP under the heading 'Real Estate Salesman'.

(15) Agency Disclosure. After January 1, 1990, a real estate broker or real estate salesperson shall provide to a prospective purchaser or seller of real estate a notice developed and approved by the board which clearly discloses the relationship of the broker or salesperson with the prospective purchaser or seller of the real estate.

The notice approved by the board shall be provided to a prospective purchaser or seller or seller at the time of the first personal meeting between the prospective purchaser or seller and the broker or salesperson for the purpose of discussing a specific property where such broker or salesperson represents either the purchaser or seller exclusively.

Where the broker or salesperson has obtained the informed consent of both the purchaser and seller to represent both of them such broker or salesperson must, at the time of obtaining the informed consent, provide written notice to the purchaser and seller informing them of the consensual dual agency representation and otherwise comply with the following requirements noted herein.

A broker or salesperson shall request a prospective purchaser or seller to sign and date such notice, provide the original to the prospective purchaser or seller and maintain a copy with their records for a period

of three years from the date on the notice should the Board choose to inspect such.

If a prospective purchaser or seller declines to sign the notice the broker or salesperson shall make a notation indicating the date that the notice was given to the prospective purchaser or seller, that the prospective purchaser or seller declined to sign it, and the reason therefor, if any, given by the prospective purchaser or seller. The broker shall maintain such notice with their records in the manner noted herein.

Nothing herein shall require written notice to each prospective purchaser or seller who comes to an open house showing of real property; provided, however, the broker or salesperson, by sign poster, distributed listing literature or property description form conspicuously discloses their agency relationship. Where the listing literature or property description form is distributed at an open house the written disclosure of the agency relationship therein shall be more conspicuous than any other written terms.

2.06 Promotional Sales of Out of State Property

(1) Upon filing an application with the board for investigation of out of state real property sales the broker on behalf of an owner/developer shall accompany said application with a filing fee of one hundred dollars ($100.00). Registrants shall file renewal registrations annually on a form approved by the board accompanied by a filing fee determined by the board.

(2) The findings of the board's investigation of any such property shall be contained in a report. Such report may be published by the board the cost of which will be borne by the broker.

(3) A clearly identified copy of the board's report on such real property shall be given to each prospective purchaser, lessee or other party in interest by the broker prior to the execution of a contract for the sale or lease of nay part of said real property. A receipt for a copy of the report from all parties in interest shall be kept by the broker and if a contract or lease shall be executed, the receipt shall be retained in the broker's files for three years and shall be subject to inspection by the board. any report of the board shall not be used for advertising or promotional purposes. a party in interest shall mean any person who holds an interest in real property either an owner, lessee, tenant, time sharer, licensee or however else designated.

(4) No broker representing any person, firm, association, partnership, trust or corporation may apply for an investigation of real property located outside of the Commonwealth unless such person, firm, association, partnership, trust or corporation represented by the broker is the owner or developer of said real property.

(5) Each applicant shall submit to the board certain documents prior to inspection, (said documents shall be enumerated in the application and questionnaire to be filed by the broker on behalf of an owner or developer) which shall, together with review of the Tract, form the basis for the board's judgment whether to permit the offering of such real property. If the board determines it to be in the best public interest not to permit the offering of said real property in the Commonwealth the applicant may request a hearing before the board, such request to be granted or denied in the discretion of the board. The board may suspend or revoke the license of any broker who sells or offers for sale such real estate after the board determines that it not be offered for sale in this Commonwealth.

(6) The board shall require that a questionnaire shall be completed under oath by the developer and that the documents, statements, and data listed below shall be furnished to the board prior to review. The licensed Massachusetts real estate broker representing and presenting the offering of said developer shall certify that he has are viewed all documents and promotional material proposed to be used in Massachusetts and that he certifies to the accuracy thereof and to the fact that the promotional material reasonably portrays the facts observed at and in the vicinity of the development.

(7) Required documents, statements and data:

(a) Certified Title Policy covering subdivision.
(b) If there is a trust deed or mortgage on the land with conditional release clauses, a copy thereof to be furnished.
(c) A statement of the method of the handling of all deposits moneys from purchases until the closing of title.
(d) Papers to be used in sale, such as deed, trust deed, contract, lease, option, receipts of deposits, etc.
(e) Conditions and restrictions affecting the lots, including mineral rights or reservations of any nature whatsoever.
(f) Copies of approved maps or plats showing property to be offered for sale and maps depicting topography and soil.
(g) Documentation by any appropriate governmental authority with respect to the availability and potability of water, and with respect to sanitary disposal of human waste.
(h) Report of flood hazards and drainage from flood control engineer or other qualified authorities.
(i) Copies or proofs of advertising and promotional material which shall cover a detailed description of lands offered, any reservation in connection therewith, the plan under which it is to be sold, and such other factors as the review herein provided for may indicate.
(j) Price list covering specific plots to be sold, and terms and conditions under with purchaser is to be induced to agree to buy.
(k) A financial statement covering individual, co-partnership or corporation holding title, together with bank references.
(l) List and addresses of all officers or individual owners of the property being sold. This is construed to mean all parties in interest to said promotional sale, including all others having an indirect interest therein. A certified statement in respect to these individuals shall be furnished and shall set forth in detail any prior arrests or convictions in any jurisdiction, or any license revocation or suspension. If the answer in "None", this fact shall be indicated and similarly certified.
(m) A certified copy of any report of review, inspection, approval or release which may be required by the State in which the lands to be promoted are situated.
(n) Such other information and cementation as the board shall require.

(8) The board or its designated agent shall render a report of findings or a uniform form provided for such purpose which shall be retained by the board and copies field with the Executive office of Consumer Affairs and the Consumer Protection Division of the office of the Attorney General.

(9) After the broker on behalf of the owner or developer has filed the application and all pertinent data as required by the Board, an estimate of costs for an on site inspection shall be rendered to the brokers on behalf of the owner or developer by the Board.

(10) The broker on behalf of the owner or the developer shall forward to the Board or its designated agent a certified or bank cashier's check in the amount stated in the estimate. Payment shall be made by check payable to the chairman of the board and the designated agent of the board who is to conduct the investigation. No check shall be cashed until it has been endorsed by the chairman. Such sum shall be required to be paid upon presentation of such estimate or within such further time as the Board may allow.

(11) Following the completion of the on site inspection the owner or developer shall be required to reimburse the Board or its designated agent for any deficiency in the event the actual costs incurred are greater than the original estimate. No property shall be released for sale in the Commonwealth until all monies due, on account of the filing and inspection, have been paid by the owner or developer.

(12) In the event the original estimate of costs of the on site inspection is greater than the actual costs incurred by the Board or its designated agent, the Board or its designated agent shall immediately refund any excess so charged.

(13) No real property located in a land development in another state which is the subject of promotional advertising in the Commonwealth unless it is offered for sale and sold through a Massachusetts license broker.

(14) An accounting of all monies received and expended in connection with on site inspection shall be approved by the chairman of the board and entered upon the official minutes of the board meeting and by way of a written report from the designated agent who conducted the on site inspection.

(15) The designated agent of the board shall not accept any inkind costs nor make use of any accommodations provided by the owner or developer without the express written consent of the board.

(16) If the broker of record ceases to act for an owner or developer of out of state real property he shall immediately notify the board in writing and the successor broker of record shall immediately notify the board of such designation. Failure to comply with the foregoing shall be cause for suspension or revocation of the broker's license. Failure to be represented by a broker shall act as a termination of certification for sale of the subject real property.

(17) For purposes of 254 CMR 2.06 the term "Promotional Advertising" shall be deemed to include the insertion of advertising material in any media in the commonwealth including television, radio, magazines, newspapers, periodical and direct mail.

"Real property" shall mean to include land, buildings, fixtures, condominiums, cooperatives and time sharing intervals or an interest in any of the same.

254 CMR 2.07 REQUIREMENTS FOR INSTRUCTORS

(1) Beginning two years from the effective date of 254 C.M.R. 2.07 no person may act as a teacher or instructor in any real estate school or program licensed or registered by the Massachusetts Board of Registration of Real Estate Brokers and Salesmen (herein; Board) unless he/she first verifies to the Board, in a manner or form which it deems satisfactory, that he/she meets the requirements established in 254 CMR 2.07(2).

(2) a. Instructors or teachers of the salesperson or broker curriculum, as established and modified by the Board from time to time (herein; curriculum) must hold a current brokers license issued by the Board.

b. Instructors or teachers of the salesperson or brokers curriculum, must have a minimum of two years work experience as a real estate broker.*

c. Instructors or teachers of the salesperson or brokers curriculum must co-teach or audit any courses offered pursuant to such curriculum before they may teach it as an instructor or teacher.

d. Instructors or teachers of the salesperson or brokers curriculum must have a minimum of thirty hours of instructor or teacher training in a course or program which has been approved by the Board. The Board may, where it deems appropriate, require an instructor or teacher to complete an additional curriculum - or parts thereof - not to exceed the thirty hours noted herein.

(3) The Board may issue authorization to act as an instructor or teacher to any person seeking such, in a real estate school or program which it licenses or registers, provided, however, it has first determined that such person has satisfied the requirements as set forth in 254 CMR 2.07(2) herein or the equivalent in lieu thereof in a manner and form that it deems satisfactory.

(4) Instructors or teachers may use specialists in particular areas of the salesperson or broker curriculum. Such specialists shall not require authorization from the Board to teach nor shall they be employed to teach the entire curriculum.

REGULATORY AUTHORITY

254 CMR 2.00: M.G.L. c. 13, sec. 56;
M.G.L. c. 112, sec. 87RR, sec. 87SS, SEC. 87TT

3.03: Provision of Service Requirements

(1) Each listing provided by an Apartment Listing Service to a customer shall include the following information:

(a) The address of the apartment;
(b) The date the apartment is available for occupancy;
(c) The monthly rental charge;
(d) The utilities, if any, included in the monthly rent;
(e) The number of rooms;
(f) The number of bedrooms;
(g) Whether or not the apartment is to be shared with another tenant;
(h) Whether or not pets are permitted;
(i) Whether or not elevator service is available;
(j) The floor location;
(k) The date the availability of the apartment was last verified by the Apartment Listing Service; and
(l) The name, address and telephone number of the person to contact for rental.

(2) An Apartment Rental Service shall not provide a listing to a customer unless:
(a) The Apartment Listing Service had verified the availability of the apartment which is the subject of the listing by communicating with the landlord within eight (8) days prior to providing the listing to the customer;
(b) The listing meets the specifications of the customer, as set forth in the contract between such customer and the Apartment Listing Service; and
(c) The Apartment Listing Service has been authorized by the landlord of such apartment, or by the authorized agent of such landlord, to provide such listing to customer.

(3) Each Apartment Listing Service shall refund, upon written request of a customer, all monies paid to the Service by the customer in excess of thirty ($30.00) dollars, if such customer has not, at the expiration of the contract, rented an apartment through listing provided by such Apartment Listing Service and if the customer makes a written request for such a refund. Payment of such refund shall be made within fifteen (15) days following receipt of the refund request by the Apartment Listing Service or the expiration of the contract, whichever is later.

(4) Each Apartment Listing Service shall retain at its place of business for a period or two (2) years copies of all signed contracts, receipts, request for refunds, proof of payment of refunds, listings furnished to customers, records of authorization by landlords of apartments to list such apartments, records of each time the availability of a specific apartment was verified, records, or owner's agent authorization to advertise specific apartments and records to prove correlation of advertised apartments with specific listed apartments.

(5) Each Apartment Listing Service shall send to each customer, at least twice per week for the duration of the contract between the Apartment Listing Service and such customer, all listings of available apartments

which meet the specifications of the customer as set forth in such contract.

3.04: Prohibitions
(1) No Apartment Listing Service shall:
(a) Advertise the availability of a specific apartment for rent without first obtaining authorization from the landlord;

(b) Advertise the availability of a specific apartment for rent without having verified the availability of such apartment by communication with the landlord or the authorized agent of the landlord within the twenty-four (24) hour period preceding the deadline for submission of such advertisement for publication or dissemination;

(c) Represent by advertising or otherwise that it has listings which meet certain specifications when such in fact is not true;

(d) State it has listings which meet certain specifications when it has no such listings;

(e) Fail to disclose in its advertisements that it is an Apartment Listing Service and not a landlord or apartment owner; and

(f) Upon its discovery that an apartment, which is the subject of a listing placed with any advertising media, is no longer available, fail to notify such media within twenty-four (24) hours that such listing should not be published or disseminated.

(g) Advertise apartments not actually in existence by simply stating number of rooms, range of rents, public assistance eligibility or special features.

(h) Induce a potential customer to sign a contract by falsely representing that the Apartment Rental Service has listings which conform to the customer's requirements at the time of execution of the contract.

(i) Advertise a specific apartment or category of apartments without including the following disclosure statement in the advertisement;

NOTICE. WE ONLY PROVIDE LISTINGS OF APARTMENTS AND HAVE NO CONTROL OVER THE ACTUAL RENTAL OF ANY APARTMENTS.

3.05: Severability

If any provision of 254 CMR 3.00 or the application of such provision to any person or circumstances shall be held invalid, the validity of the remainder of 254 CMR 3.00 and the applicability of such provision to other persons or circumstances shall not be affected thereby.

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MASSACHUSETTS BOARD OF REGISTRATION OF REAL ESTATE BROKERS AND SALESPERSONS
MANDATORY AGENCY DISCLOSURE - AGENCY RELATIONSHIP

The purpose of this disclosure is to enable you to make informed choices before working with a real estate licensee. It must be provided at the first personal meeting that you have with an agent to discuss a specific property. THIS IS NOT A CONTRACT. It is a disclosure notice for your information. BE SURE TO READ THE DESCRIPTIONS OF THE DIFFERENT TYPES OF AGENCY REPRESENTATION ON THE OTHER SIDE OF THIS DISCLOSURE

CONSUMER INFORMATION

1. Whether you are the buyer or the seller you can choose to have the advice, assistance and representation of your own agent. Do not assume that a broker is acting on your behalf unless you have contracted with the broker to represent you.

2. All real estate licensees must, by law, present properties honestly and accurately

3. If you are a seller you may authorize you listing agent to cooperate with agents from other firms to help sell your property. These cooperating agents may be subagents who work for the seller or buyer's agents.

4. If you are the buyer you have the option of working with seller's or buyer's agents. This decision will depend on the types of services you want from the real estate agent. A buyer should tell sellers' agents, including subagents, only what he/she would tell the seller directly.

CONSUMER RESPONSIBILITY

The duties of a real estate licensee do not relieve the consumer of the responsibility to protect his/her own interests. Consumers with questions on whether and how real estate agents share fees should pose them to the agent. If you need advice for legal, tax, insurance or other matters it is your responsibility to consult a professional in those areas.

ACKNOWLEDGMENT

I have provided this disclosure form to _____
PRINT NAME OF CONSUMER

I will be assisting the above named consumer as a (check one) ☐ Sellers Agent ☐ Buyers Agent

_____ _____ _____
SIGNATURE OF REAL ESTATE AGENT | LICENSE NUMBER | DATE - MONTH-DAY-YEAR

I have read this agency disclosure form IN ITS ENTIRETY ON BOTH SIDES. I understand that this form is for agency disclosure AND NOT A CONTRACT . It was provided to me by the agent named above.

_____ _____ CHECK HERE ☐ Buyer ☐ Seller
SIGNATURE OF CONSUMER | DATE - MONTH-DAY-YEAR

As a consumer I recognize that I need not select any agency representation at this time. Therefore, I decline to sign this disclosure. Any additional reason for declining to sign:

_____
PRINT NAME OF CONSUMER AND REASON, IF ANY

TYPES OF AGENCY REPRESENTATION

SELLER'S AGENT

When a seller engages the services of a listing broker that seller becomes the broker's client. This means the broker, and its subagents, represent the seller. They owe the seller undivided loyalty, utmost care, disclosure, obedience to lawful instruction, confidentiality and accountability. They must put the seller's interest first and negotiate for the best price and terms for their client, the seller. (The seller may also authorize subagents to represent him/her in marketing its property to buyers)

BUYER'S AGENT

When a buyer engages the services of a broker then that buyer becomes the broker's client. This means the broker represents the buyer. The broker owes the buyer undivided loyalty, utmost care, disclosure, obedience to lawful instruction, confidentiality and accountability. The broker must put the buyer's interest first and negotiate for the best price and terms for their client, the buyer.(The buyer may also authorize subagents to represent him/her in locating property)

DISCLOSED DUAL AGENT

A broker can work for both the buyer and the seller on the same property provided such broker obtains the informed consent of both parties. The broker is then considered a disclosed dual agent. This broker owes the seller and the buyer a duty to deal with them fairly and honestly. In this type of agency relationship the broker does not represent either the seller or the buyer exclusively and they can not expect the brokers undivided loyalty. Also, undisclosed dual agency is illegal.

THE FOLLOWING PAGES ARE VARIOUS BOARD POLICIES AND PROCEDURES FOR SUCH THINGS AS RECIPROCAL LICENSING, LATE RENEWAL AND CHANGES TO A CORPORATE OR PARTNERSHIP LICENSE. THESE POLICIES AND PROCEDURES ARE CURRENT AS OF JANUARY 1, 1995. .

LAPSED LICENSE POLICY

RELEVANT LICENSING LAW DOES PROVIDE A GRACE PERIOD FOR THE LATE RENEWAL OF A LICENSE. THE BOARD HAS CONSISTENTLY PERMITTED RENEWALS FOR UP TO TWO YEARS BEYOND EXPIRATION PROVIDED THE FOLLOWING PROCEDURES ARE FOLLOWED. BE ADVISED, HOWEVER, THAT THE PRACTICE OF REAL ESTATE WHILE ONE'S LICENSE IS EXPIRED IS NOT PERMITTED.

- ☞ A LICENSE THAT HAS BEEN EXPIRED FOR UP TO ONE YEAR AND NINE MONTHS MAY BE RENEWED BY SUBMITTING PAYMENT OF THE RENEWAL FEE AND A LATE FEE OF $25.00 TOGETHER WITH THE ORIGINAL RENEWAL FORM. IF YOU NO LONGER HAVE THE ORIGINAL RENEWAL FORM CONTACT THE BOARD FOR A DUPLICATE DO NOT ATTEMPT TO SUBMIT PAYMENT WITHOUT A FORM.

- ☞ A LICENSE THAT HAS BEEN EXPIRED FOR MORE THAN ONE YEAR AND NINE MONTHS BUT LESS THAN TWO YEARS WILL REQUIRE THE PAST DUE RENEWAL FEE AND LATE FEE BE PAID ALONG WITH THE PAYMENT FOR THE NEXT (CURRENT) RENEWAL CYCLE. YOU WILL FIRST NEED TO CONTACT THE BOARD FOR A NEW RENEWAL FORM (THE FORM ORIGINALLY SENT TO YOU FOR ONE CYCLE WILL NOT SUFFICE) THIS MUST BE RECEIVED NO LATER THAN TWO YEARS AND FIVE DAYS BEYOND EXPIRATION. IN THE CASE OF A BROKER THE BOND MUST BE CURRENT AND ON FILE WITH THE BOARD OR RENEWAL WILL NOT BE ALLOWED.

IF YOUR LICENSE HAS BEEN LAPSED FOR MORE THAN TWO YEARS (OR YOUR ATTEMPTED PAYMENT WAS NOT RECEIVED WITHIN TWO YEARS AND FIVE DAYS) YOUR LICENSE CAN NOT BE RENEWED. HOWEVER, INDIVIDUALS (NOT CORPORATIONS OR PARTNERSHIPS) MAY BE ELIGIBLE FOR ONE OF THE FOLLOWING WAIVERS.

- ☞ BROKERS AND SALESPERSONS LAPSED TWO TO FOUR YEARS ARE ELIGIBLE FOR AN EDUCATIONAL WAIVER THAT WILL ALLOW THE APPLICANT TO TAKE THE EXAMINATION AT THE PREVIOUSLY LEVEL OF LICENSING. THE TEST MUST BE PASSED AND THE NEW LICENSE PAID FOR PRIOR TO THE FOUR YEAR ANNIVERSARY DATE OF THE EXPIRED LICENSE.

- ☞ BROKER LAPSED BETWEEN FOUR AND SIX YEARS ARE ELIGIBLE TO RETAKE THE BROKER COURSE AND BROKER EXAMINATION. AFTER THE APPLICANT COMPLETES THE BROKER COURSE WORK AT AN APPROVED SCHOOL THE EDUCATION CERTIFICATE ISSUED BY THE SCHOOL MUST BE SUBMITTED TO THE BOARD FOR ENDORSEMENT PRIOR TO MAKING A RESERVATION FOR THE EXAMINATION. THE COURSE MUST BE COMPLETED, THE TEST MUST BE PASSED AND THE NEW LICENSE MUST BE PAID FOR PRIOR TO THE SIX YEAR ANNIVERSARY DATE OF THE EXPIRED LICENSE.

- ☞ SALESPEOPLE LAPSED MORE THAN FOUR YEARS MUST BEGIN ANEW WITH THE SALES COURSE. THE EXPERIENCE UNDER THE PREVIOUS LICENSE CAN NOT BE USED TO SATISFY THE AFFILIATION PREREQUISITE TO QUALIFY FOR THE BROKER LICENSURE.

- ☞ BROKERS LAPSED MORE THAN SIX YEARS MUST BEGIN ANEW WITH THE SALESPERSON COURSE, EXAMINATION AND LICENSURE.

PLEASE BE ADVISED: IF YOU ATTEMPT PAYMENT BY PERSONAL CHECK AND THE BANK DOES NOT HONOR THE CHECK FOR ANY REASON THEN NO PAYMENT HAS BEEN MADE. THIS MAY BRING YOU OUTSIDE OF ANY GRACE PERIOD OR BOARD POLICY FOR RE-LICENSURE AS NOTED ABOVE. IT IS YOUR OBLIGATION TO ENSURE THAT A PERSONAL CHECK (IF USED) IS HONORED BY YOUR BANK. OTHER ACCEPTABLE FORMS OF PAYMENT ARE; MONEY ORDER; AND BANK OR CASHIER'S CHECK.

TO REQUEST A WAIVER SEND A WRITTEN REQUEST TO:

MASSACHUSETTS BOARD OF REAL ESTATE
100 CAMBRIDGE STREET - ROOM 1313
BOSTON, MA 02202

- ☞ CORPORATIONS, LIMITED PARTNERSHIPS AND GENERAL PARTNERSHIPS MUST RENEW WITHIN TWO YEARS OF EXPIRATION. IF RENEWAL IS NOT MADE WITHIN THE TWO YEARS MUST LICENSE THE CORPORATION ANEW.

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RECIPROCAL - ATTORNEY LICENSING

Attorney

We must first receive a LETTER OF GOOD STANDING issued by the SJC along with a cover letter that includes the applicant's mailing address, birthday, and a non-refundable application fee of 20 dollars. Once these materials are received we will mail (do not pick up) the appropriate documents for your completion. The issue date is always on the first ant the 15 of each month provided the completed application is received prior to that date. Letters of Good Standing are valid for 90 days and must be valid at the issuance of the Massachusetts license.

Law School Student

Massachusetts law school students are eligible to take the Salesman examination *without* first taking the Real Estate Salesman course provided he/she has completed a course in property law at a Massachusetts Law School. A waiver (of the education) allowing the applicant to take the examination will be sent upon receipt of a certified transcript from the appropriate Law School and a written request for an educational waiver. This type of waiver is valid for one year and a new waiver can be issued with a new transcript should the year expire.

Connecticut, Rhode Island, West Virginia, Nebraska, Iowa and Mississippi

Complete reciprocity for both Salesmen and Brokers from the first day of licensure. We will send an application upon receiving a CERTIFIED RECORD OF LICENSE HISTORY from the appropriate state's Real Estate Commission along with the name, mailing address, birthday of the applicant, and a non-refundable application fee of 20 dollars for brokers and 12 dollars for salesmen. Certified Records are valid for 90 days and must be valid at the issuance of the Massachusetts license.

Oklahoma

Salesmen and Brokers that have been licensed for *two years* have complete reciprocity. We will send an application upon receiving a CERTIFIED RECORD OF LICENSE HISTORY from the Oklahoma Real Estate Commission along with the name, mailing address, birthday of the applicant, and a non-refundable application fee of 20 dollars for brokers and 12 dollars for salesmen. Certified Records are valid for 90 days and must be valid at the issuance of the Massachusetts license.

Salesmen and Brokers less than two years - See "All Other States" below.

New York

Brokers only providing they have been licensed for *two years* have complete reciprocity. We will send an application upon receiving a CERTIFIED RECORD OF LICENSE HISTORY from the New York Real Estate Commission along with the name, mailing address, birthday of the applicant, and a non-refundable application fee of 20 dollars. Certified Records are valid for 90 days and must be valid at the issuance of the Massachusetts license.

Brokers who have been licensed for Less than two years and Salesmen who have been licensed for any length of time - See "All Other States" below.

New Hampshire

Salesmen and Brokers who have been licensed for one year may take the entire Massachusetts examination but are not required to complete any education. Education waivers will be sent upon receipt of a CERTIFIED RECORD OF LICENSE HISTORY from the Real Estate Commission in New Hampshire along with a written request for an educational waiver. Waivers are valid for one year or the expiration date of the other state license whichever is sooner. Certified Records are valid for 90 days and must be valid at the issuance of the waiver.

Salesmen and Brokers licensed for less than one year - See "All Other States" below.

Maine

Brokers who have been licensed for three years may take the *State* portion of the Massachusetts examination. You must first submit to the Board a CERTIFIED RECORD OF LICENSE HISTORY from the Maine Real Estate Commission along with a written request for an educational waiver. The waiver allows you to take only the state portion of the examination. Waivers are valid for one year or the expiration date of the other state license whichever is sooner. Certified Records are valid for 90 days and must be valid at the issuance of the waiver.

Brokers not licensed three years or salespeople; See "All Other States" below.

Vermont

No waivers or reciprocity.

All Other States

From the first day of licensure in the other state we will waive all educational and apprenticeship requirements and allow the candidate to take the entire Massachusetts examination at their level of licensure in the other state. A Candidate handbook that includes an education waiver will be sent upon receipt of a CERTIFIED RECORD OF LICENSE HISTORY from the appropriate state and a written request for an educational waiver. Waivers are valid for one year or until the expiration date of the other state license whichever is sooner. Certified Records are valid for 90 days and must be valid at the issuance of the waiver.

LICENSE ISSUE DATES ARE THE FIRST AND FIFTEENTH OF EACH MONTH PROVIDED THE COMPLETED APPLICATION AND REQUISITE DOCUMENTS ARE RECEIVED PRIOR TO THAT DATE.

APPLICATION PROCESS FOR IN-OFFICE LICENSING (WITHOUT EXAMINATION)

RECIPROCAL AND ATTORNEY BROKERS MUST SEND TO THE BOARD:

A LETTER OF GOOD STANDING (EITHER FROM THE SJC FOR MA ATTORNEYS OR THE STATE OF LICENSURE)
A LETTER ASKING FOR AN APPLICATION THAT INCLUDES THE BIRTH DAY AND MAILING ADDRESS OF THE APPLICANT
AN APPLICATION FEE OF 20 DOLLARS (NON-REFUNDABLE)

RECIPROCAL SALESPEOPLE MUST SEND TO THE BOARD:

A LETTER OF GOOD STANDING FROM THE STATE OF LICENSURE
A LETTER ASKING FOR AN APPLICATION THAT INCLUDES THE BIRTH DAY AND MAILING ADDRESS OF THE APPLICANT
AN APPLICATION FEE OF 12 DOLLARS (NON-REFUNDABLE)

CORPORATIONS\LIMITED PARTNERSHIPS MUST SEND TO THE BOARD:

A LETTER OF LEGAL EXISTENCE ISSUED BY THE SECRETARY OF STATE (ORIGINAL) OR CERTIFICATE OF FOREIGN CORPORATION FOR CORPORATIONS LOCATED OUTSIDE MASSACHUSETTS
A LETTER ASKING FOR AN APPLICATION THAT INCLUDES A MAILING ADDRESS
AN APPLICATION FEE OF 20 DOLLARS

GENERAL PARTNERSHIPS MUST SEND TO THE BOARD:

A CERTIFIED COPY OF THE PARTNERSHIP AGREEMENT
A LETTER ASKING FOR AN APPLICATION THAT INCLUDES A MAILING ADDRESS
AN APPLICATION FEE OF 20 DOLLARS

)LE PROPRIETORSHIP:

SOLELY OWNED BUSINESSES OPERATE UNDER THE OWNER'S BROKER LICENSE. ONLY BROKERS CAN SOLELY OWN A BUSINESS THAT PRACTICES REAL ESTATE. NO ADDITIONAL LICENSING OR REGISTRATION IS REQUIRED. HOWEVER, IF THE BUSINESS OPERATES UNDER A NAME OTHER THAN THE EXACT BROKER/OWNER NAME YOU MUST SUBMIT A CERTIFIED COPY OF THE D/B/A (DOING BUSINESS AS) CERTIFICATE ISSUED BY THE LOCAL AUTHORITY WHERE THE BUSINESS IS LOCATED.

ALL OF THE ABOVE LICENSES ARE ISSUED ON THE FIRST AND 15TH OF EACH MONTH PROVIDED THE COMPLETED APPLICATION* IS RECEIVED PRIOR TO THAT DATE. APPLICATIONS AND LICENSES ARE NOT ISSUED IN PERSON

TEMPORARY CORPORATION\PARTNERSHIPS MUST SEND TO THE BOARD:

A LETTER REQUESTING A TEMPORARY LICENSE APPLICATION. THE LETTER MUST INCLUDE
1. THE NAME OF THE CORPORATION OR PARTNERSHIP
2. THE LICENSE NUMBER OF THE CORPORATION OR PARTNERSHIP
3. THE NAME OF THE INDIVIDUAL WHO WILL ASSUME THE RESPONSIBILITIES OF THE BROKER OF RECORD
4. LETTER OF SEVERANCE, DEATH CERTIFICATE, OR EVIDENCE OF DEBILITATION

AN APPLICATION FEE OF $20.00

TEMPORARY INDIVIDUAL BROKER MUST SEND TO THE BOARD:

A LETTER REQUESTING A TEMPORARY BROKER LICENSE APPLICATION. THE LETTER MUST INCLUDE
1. THE NAME OF THE DECEASED OR DEBILITATED BROKER
2. THE LICENSE NUMBER OF THE DECEASED OR DEBILITATED BROKER
3. THE NAME OF THE LEGAL REPRESENTATIVE, OR HIS DESIGNEE, MAKING APPLICATION FOR A TEMPORARY LICENSE
4. DEATH CERTIFICATE, OR EVIDENCE OF DEBILITATION

AN APPLICATION FEE OF $20.00

SCHOOLS - WE SEND THE CALLER THE SCHOOL INFORMATION SHEET THAT EXPLAINS ALL THE REQUIREMENTS AND THEN THEY SEND TO THE BOARD THE FOLLOWING:

A LETTER INDICATING THE FOLLOWING
1. THE NAME OF THE INDIVIDUAL TO BE IN CHARGE OF THE SCHOOL
2. THE ADDRESS OF THE SCHOOL
3. A DAY-TIME PHONE NUMBER
4. THE PROPOSED NAME OF THE SCHOOL

AN APPLICATION FEE OF 27 DOLLARS

END DOCUMENTATION, LETTER OF REQUEST AND CHECK (IF APPLICABLE) PAYABLE TO COMM OF MA TO:

MASSACHUSETTS BOARD OF REAL ESTATE
100 CAMBRIDGE STREET - ROOM 1313
BOSTON, MA 02202

ALLOW 2 WEEKS (AFTER BOARD RECEIPT OF YOUR REQUEST) TO RECEIVE THE APPLICATION AND INSTRUCTIONS FOR COMPLETING THE APPLICATION PROCESS. APPLICATIONS ARE NOT DISSEMINATED IN PERSON, THEY WILL BE MAILED.

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RECIPROCAL - ATTORNEY LICENSING

Attorney

We must first receive a LETTER OF GOOD STANDING issued by the SJC along with a cover letter that includes the applicant's mailing address, birthda and a non-refundable application fee of 20 dollars. Once these materials are received we will mail (do not pick up) the appropriate documents for yo completion. The issue date is always on the first ant the 15 of each month provided the completed application is received prior to that date. Letters of Go Standing are valid for 90 days and must be valid at the issuance of the Massachusetts license.

Law School Student

Massachusetts law school students are eligible to take the Salesman examination *without* first taking the Real Estate Salesman course provided he/she h completed a course in property law at a Massachusetts Law School. A waiver (of the education) allowing the applicant to take the examination will be sent up receipt of a certified transcript from the appropriate Law School and a written request for an educational waiver. This type of waiver is valid for one year a a new waiver can be issued with a new transcript should the year expire.

Connecticut, Rhode Island, West Virginia, Nebraska, Iowa and Mississippi

Complete reciprocity for both Salesmen and Brokers from the first day of licensure. We will send an application upon receiving a CERTIFIED RECORD LICENSE HISTORY from the appropriate state's Real Estate Commission along with the name, mailing address, birthday of the applicant, and a non-refunda application fee of 20 dollars for brokers and 12 dollars for salesmen. Certified Records are valid for 90 days and must be valid at the issuance of t Massachusetts license.

Oklahoma

Salesmen and Brokers that have been licensed for *two years* have complete reciprocity. We will send an application upon receiving a CERTIFIED RECORD LICENSE HISTORY from the Oklahoma Real Estate Commission along with the name, mailing address, birthday of the applicant, and a non-refunda application fee of 20 dollars for brokers and 12 dollars for salesmen. Certified Records are valid for 90 days and must be valid at the issuance of t Massachusetts license.

Salesmen and Brokers less than two years - See "All Other States" below.

New York

Brokers only providing they have been licensed for *two years* have complete reciprocity. We will send an application upon receiving a CERTIFIED RECORD LICENSE HISTORY from the New York Real Estate Commission along with the name, mailing address, birthday of the applicant, and a non-refunda application fee of 20 dollars. Certified Records are valid for 90 days and must be valid at the issuance of the Massachusetts license.

Brokers who have been licensed for Less than two years and Salesmen who have been licensed for any length of time - See "All Other States" below.

New Hampshire

Salesmen and Brokers who have been licensed for one year may take the entire Massachusetts examination but are not required to complete any educati Education waivers will be sent upon receipt of a CERTIFIED RECORD OF LICENSE HISTORY from the Real Estate Commission in New Hampshire along wit a written request for an educational waiver. Waivers are valid for one year or the expiration date of the other state license whichever is sooner. Certif Records are valid for 90 days and must be valid at the issuance of the waiver.

Salesmen and Brokers licensed for less than one year - See "All Other States" below.

Maine

Brokers who have been licensed for three years may take the *State* portion of the Massachusetts examination. You must first submit to the Board a CERTIF RECORD OF LICENSE HISTORY from the Maine Real Estate Commission along with a written request for an educational waiver. The waiver allows you to t only the state portion of the examination. Waivers are valid for one year or the expiration date of the other state license whichever is sooner. Certified Reco are valid for 90 days and must be valid at the issuance of the waiver.

Brokers not licensed three years or salespeople; See "All Other States" below.

Vermont

No waivers or reciprocity.

All Other States

From the first day of licensure in the other state we will waive all educational and apprenticeship requirements and allow the candidate to take the en Massachusetts examination at their level of licensure in the other state. A Candidate handbook that includes an education waiver will be sent upon receipt o CERTIFIED RECORD OF LICENSE HISTORY from the appropriate state and a written request for an educational waiver. Waivers are valid for one year or u the expiration date of the other state license whichever is sooner. Certified Records are valid for 90 days and must be valid at the issuance of the waiver.

LICENSE ISSUE DATES ARE THE FIRST AND FIFTEENTH OF EACH MONTH PROVIDED THE COMPLETED APPLICATION AND REQUISITI DOCUMENTS ARE RECEIVED PRIOR TO THAT DATE.

APPLICATION PROCESS FOR IN-OFFICE LICENSING (WITHOUT EXAMINATION)

◎ RECIPROCAL AND ATTORNEY BROKERS MUST SEND TO THE BOARD:

1. A LETTER OF GOOD STANDING (EITHER FROM THE SJC FOR MA ATTORNEYS OR THE STATE OF LICENSURE)
2. A LETTER ASKING FOR AN APPLICATION THAT INCLUDES THE BIRTH DAY AND MAILING ADDRESS OF THE APPLICANT
3. AN APPLICATION FEE OF 20 DOLLARS (NON-REFUNDABLE)

◎ RECIPROCAL SALESPEOPLE MUST SEND TO THE BOARD:

1. A LETTER OF GOOD STANDING FROM THE STATE OF LICENSURE
2. A LETTER ASKING FOR AN APPLICATION THAT INCLUDES THE BIRTH DAY AND MAILING ADDRESS OF THE APPLICANT
3. AN APPLICATION FEE OF 12 DOLLARS (NON-REFUNDABLE)

◎ CORPORATIONS\LIMITED PARTNERSHIPS MUST SEND TO THE BOARD:

1. A LETTER OF LEGAL EXISTENCE ISSUED BY THE SECRETARY OF STATE (ORIGINAL) OR CERTIFICATE OF FOREIGN CORPORATION FOR CORPORATIONS LOCATED OUTSIDE MASSACHUSETTS
2. A LETTER ASKING FOR AN APPLICATION THAT INCLUDES A MAILING ADDRESS
3. AN APPLICATION FEE OF 20 DOLLARS

◎ GENERAL PARTNERSHIPS MUST SEND TO THE BOARD:

1. A CERTIFIED COPY OF THE PARTNERSHIP AGREEMENT
2. A LETTER ASKING FOR AN APPLICATION THAT INCLUDES A MAILING ADDRESS
3. AN APPLICATION FEE OF 20 DOLLARS

SOLE PROPRIETORSHIP:

SOLELY OWNED BUSINESSES OPERATE UNDER THE OWNER'S BROKER LICENSE. ONLY BROKERS CAN SOLELY OWN A BUSINESS THAT PRACTICES REAL ESTATE. NO ADDITIONAL LICENSING OR REGISTRATION IS REQUIRED. HOWEVER, IF THE BUSINESS OPERATES UNDER A NAME OTHER THAN THE EXACT BROKER/OWNER NAME YOU MUST SUBMIT A CERTIFIED COPY OF THE D/B/A (DOING BUSINESS AS) CERTIFICATE ISSUED BY THE LOCAL AUTHORITY WHERE THE BUSINESS IS LOCATED.

ALL OF THE ABOVE LICENSES ARE ISSUED ON THE FIRST AND 15TH OF EACH MONTH PROVIDED THE COMPLETED APPLICATION* IS RECEIVED PRIOR TO THAT DATE. APPLICATIONS AND LICENSES ARE NOT ISSUED IN PERSON

◎ TEMPORARY CORPORATION\PARTNERSHIPS MUST SEND TO THE BOARD:

1. A LETTER REQUESTING A TEMPORARY LICENSE APPLICATION. THE LETTER MUST INCLUDE
   1. THE NAME OF THE CORPORATION OR PARTNERSHIP
   2. THE LICENSE NUMBER OF THE CORPORATION OR PARTNERSHIP
   3. THE NAME OF THE INDIVIDUAL WHO WILL ASSUME THE RESPONSIBILITIES OF THE BROKER OF RECORD
   4. LETTER OF SEVERANCE, DEATH CERTIFICATE, OR EVIDENCE OF DEBILITATION
2. AN APPLICATION FEE OF $20.00

◎ TEMPORARY INDIVIDUAL BROKER MUST SEND TO THE BOARD:

1. A LETTER REQUESTING A TEMPORARY BROKER LICENSE APPLICATION. THE LETTER MUST INCLUDE
   1. THE NAME OF THE DECEASED OR DEBILITATED BROKER
   2. THE LICENSE NUMBER OF THE DECEASED OR DEBILITATED BROKER
   3. THE NAME OF THE LEGAL REPRESENTATIVE, OR HIS DESIGNEE, MAKING APPLICATION FOR A TEMPORARY LICENSE
   4. DEATH CERTIFICATE, OR EVIDENCE OF DEBILITATION
2. AN APPLICATION FEE OF $20.00

◎ SCHOOLS - WE SEND THE CALLER THE SCHOOL INFORMATION SHEET THAT EXPLAINS ALL THE REQUIREMENTS AND THEN THEY SEND TO THE BOARD THE FOLLOWING:

1. A LETTER INDICATING THE FOLLOWING
   1. THE NAME OF THE INDIVIDUAL TO BE IN CHARGE OF THE SCHOOL
   2. THE ADDRESS OF THE SCHOOL
   3. A DAY-TIME PHONE NUMBER
   4. THE PROPOSED NAME OF THE SCHOOL
2. AN APPLICATION FEE OF 27 DOLLARS

SEND DOCUMENTATION, LETTER OF REQUEST AND CHECK (IF APPLICABLE) PAYABLE TO COMM OF MA TO:

MASSACHUSETTS BOARD OF REAL ESTATE
100 CAMBRIDGE STREET - ROOM 1313
BOSTON, MA 02202

• ALLOW 2 WEEKS (AFTER BOARD RECEIPT OF YOUR REQUEST) TO RECEIVE THE APPLICATION AND INSTRUCTIONS FOR COMPLETING THE APPLICATION PROCESS. APPLICATIONS ARE NOT DISSEMINATED IN PERSON, THEY WILL BE MAILED.

CHCKLST/INOFLIC

IN ORDER TO MAKE THE REQUESTED CHANGES YOU MUST PROVIDE THE BOARD WITH THE FOLLOWING DOCUMENTATION

NAME CHANGE

GENERAL PARTNERSHIP

YOU MUST SUBMIT A NOTARIZED COPY OF THE PARTNERSHIP AGREEMENT AND INCLUDE THE ADDENDUM THAT CHANGES THE NAME.

LIMITED PARTNERSHIP

YOU MUST SUBMIT A CERTIFICATION FROM THE MASSACHUSETTS SECRETARY OF STATE SHOWING THE NEW NAME

CORPORATION

YOU MUST SUBMIT A CERTIFICATION FROM THE MASSACHUSETTS SECRETARY OF STATE SHOWING THE NEW NAME

A REPLACEMENT WALL CERTIFICATE IS EIGHTEEN DOLLARS, CHECK OR MONEY ORDER, PAYABLE TO THE "COMM OF MA".

THE ABOVE CHANGES REQUIRE A NEW WALL CERTIFICATE, THE FEE IS EIGHTEEN DOLLARS. PAY BY CHECK OR MONEY ORDER MADE PAYABLE TO THE "COMM OF MA". IF YOU OPERATE UNDER A "D/B/A" YOU MUST SEND THE BOARD A CERTIFIED COPY OF THE D/B/A CERTIFICATE.

SOLE PROPRIETORSHIP

YOU MUST SUBMIT A CERTIFIED COPY OF THE D/B/A (DOING BUSINESS AS) CERTIFICATE ISSUED BY THE LOCAL CITY OR TOWN HALL. SOLE PROPRIETORSHIPS DO NOT RECEIVE A WALL CERTIFICATE.

CHANGE OF CORPORATE OFFICERS OR PARTNERS

CORPORATION: THE CHANGES IN CORPORATE OFFICERS MUST BE FILED WITH THE MASSACHUSETTS SECRETARY OF STATE. ONCE THE CHANGE HAS BEEN MADE YOU MUST SUBMIT TO THIS BOARD A CERTIFICATE OF CHANGE OF DIRECTORS OR OFFICERS, ORIGINAL OR CERTIFIED COPY.

LIMITED PARTNERSHIP: A CHANGE IN PARTNERS OF A LIMITED PARTNERSHIP MUST BE FILED WITH THE MASSACHUSETTS SECRETARY OF STATE. CERTIFICATION OF THE CHANGE OF PARTNERS BY THE SECRETARY OF STATE MUST BE SUBMITTED TO THIS BOARD.

GENERAL PARTNERSHIP: A CHANGE IN PARTNERS OF A GENERAL PARTNERSHIP REQUIRES A NEW NOTARIZED PARTNERSHIP AGREEMENT BE FILED WITH THIS BOARD.

DESIGNATING A NEW BROKER OF RECORD

CORPORATION: IF THE NEW BROKER OF RECORD IS ALREADY AN OFFICER OF THE CORPORATION YOU MUST SUBMIT A NOTARIZED COPY OF THE MINUTES OF THE MEETING THAT DESIGNATED THE NEW BROKER. IF THE NEW BROKER OF RECORD IS A NEW CORPORATE OFFICER THE MINUTES MUST ACCOMPANY A CHANGE IN OFFICERS (ABOVE).

LIMITED PARTNERSHIP: IF THE NEW BROKER OF RECORD IS ALREADY A PARTNER YOU NEED ONLY NOTIFY THE BOARD IN WRITING. OTHERWISE THE NOTICE MUST ACCOMPANY THE NEW PARTNER DOCUMENTATION (ABOVE).

GENERAL PARTNERSHIP: IF THE NEW BROKER OF RECORD IS ALREADY A PARTNER YOU NEED ONLY NOTIFY THE BOARD IN WRITING. OTHERWISE THE NOTICE MUST ACCOMPANY THE NEW PARTNERSHIP AGREEMENT (ABOVE).

DISSOLUTION AND/OR DEATH OR SEVERANCE OF BROKER

GENERAL AND LIMITED PARTNERSHIPS

- IF THE PARTNERSHIP DISSOLVES LICENSE ISSUED TO THE PARTNERSHIP IS NULL AND VOID AND THE BROKER OF RECORD MUST NOTIFY THE BOARD IN WRITING.
- IF THERE IS MORE THAN ONE REMAINING PARTNER BUT NONE ARE LICENSED REAL ESTATE BROKERS THEN THE PARTNERSHIP LICENSE IS NULL AND VOID AND THE PARTNERSHIP CAN NO LONGER PRACTICE REAL

ESTATE. HOWEVER, THE PARTNERSHIP MAY APPLY FOR A ONE YEAR NON-RENEWABLE TEMPORARY BROKER LICENSE SO THAT BUSINESS CAN BE CONCLUDED.

- IF THERE IS ONE REMAINING PARTNER WHO IS LICENSED AS A REAL ESTATE BROKER HE MUST ACT AS A SOLE PROPRIETORSHIP UNDER HIS INDIVIDUAL LICENSE.(SEE SOLE PROPRIETORSHIP)

- IF THERE IS ONE REMAINING PARTNER WHO IS NOT A LICENSED REAL ESTATE BROKER HE CANNOT ACT AS A BROKER EITHER INDIVIDUALLY OR UNDER THE VOIDED PARTNERSHIP LICENSE. HOWEVER, HE MAY APPLY FOR A ONE YEAR NON-RENEWABLE TEMPORARY BROKER LICENSE TO BE ISSUED TO THE PARTNERSHIP SO THAT BUSINESS MAY BE CONCLUDED*.

CORPORATIONS

- IF THE CORPORATION CEASES YOU MUST SEND A LETTER OF DISSOLUTION ISSUED BY THE SECRETARY OF STATE AT 617-727-2850

- IF THE ONLY CORPORATE OFFICER WHO IS A LICENSED MASSACHUSETTS BROKER LEAVES THE CORPORATION THEN THE CORPORATE BROKER LICENSE IS NULL AND VOID AND THE CORPORATION OR IT'S OFFICERS CANNOT PRACTICE REAL ESTATE. HOWEVER THE CORPORATION MAY APPLY FOR A ONE YEAR TEMPORARY NON-RENEWABLE BROKER LICENSE (ABOVE) SO THAT THE CORPORATION CAN CONDUCT BUSINESS WHILE A NEW BROKER OFFICER IS PROCURED. IN NO EVENT MAY THE CORPORATION CONTINUE TO PRACTICE REAL ESTATE BEYOND THE TERM OF THE TEMPORARY LICENSE*.

SOLE PROPRIETORSHIP

- IF YOU ARE THE SOLE OWNER OF YOUR BUSINESS AND YOU ARE A LICENSED REAL ESTATE BROKER YOU MAY OPERATE AS A SOLE PROPRIETOR

- IF YOU DO NOT OPERATE YOUR BUSINESS UNDER YOUR EXACT NAME YOU MUST FURNISH THIS BOARD WITH A CERTIFIED COPY OF THE D/B/A ISSUED BY THE CITY OR TOWN WHERE THE BUSINESS IS LOCATED.

CHANGING FROM A GENERAL PARTNERSHIP TO A SOLE PROPRIETORSHIP (INDIVIDUALLY OWNED BUSINESS)

THE BROKER PARTNER WHO IS NOW A SOLE OWNER MUST SEND A LETTER DISSOLVING THE PARTNERSHIP.

CHANGING FROM A LIMITED PARTNERSHIP OR CORPORATION TO A SOLE PROPRIETORSHIP (INDIVIDUALLY OWNED BUSINESS THAT IS NOT INCORPORATED)

THE BROKER OF RECORD MUST SEND A LETTER INDICATING THE CORPORATION IS NO LONGER OPERATING AND A LETTER OF DISSOLUTION ISSUED BY THE SECRETARY OF STATE MUST ACCOMPANY IT.

NEW WALL CERTIFICATE

A REPLACEMENT WALL CERTIFICATE IS EIGHTEEN DOLLARS, CHECK OR MONEY ORDER, PAYABLE TO THE "COMM OF MA".

WALL CERTIFICATES ARE NOT ISSUED TO SOLE PROPRIETORSHIPS.

BUSINESS NAME

IF A CORPORATION OR PARTNERSHIP OR INDIVIDUAL BROKER WISHES TO ACT UNDER A NAME DIFFERENT FROM HIS/HER OWN EXACT NAME OR THAT OF THE LICENSED CORPORATION OR PARTNERSHIP A CERTIFIED COPY OF THE D/B/A (DOING BUSINESS AS) CERTIFICATE MUST BE SUBMITTED TO THIS BOARD.

SEND DOCUMENTATION TO: MASSACHUSETTS BOARD OF REGISTRATION OF REAL ESTATE BROKERS AND SALESMEN, 100 CAMBRIDGE STREET, ROOM 1313, BOSTON, MASSACHUSETTS 02202, PHONE: (617) 727-2373

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*ONE YEAR TEMPORARY LICENSES ARE ISSUED TO THE BUSINESS ENTITY NOT AN INDIVIDUAL. THE TEMPORARY LICENSES ARE NOT RENEWABLE. THE TERM OF THE TEMPORARY LICENSE IS CALCULATED FROM THE DATE OF SEVERANCE OF THE BROKER PARTNER OR BROKER OFFICER OR DATE OF DISSOLUTION OF THE PARTNERSHIP. IN THE CASE OF THE DISSOLUTION OF A CORPORATION NO TEMPORARY LICENSE WILL BE ISSUED.)
(APPLICAT\CORPREQ.DOC)

GENERAL REQUIREMENTS FOR APPROVAL OF A MASSACHUSETTS REAL ESTATE SCHOOL

⇨ *THE REAL ESTATE BROKER AND SALESPERSON PRE-LICENSE CURRICULA, THE REAL ESTATE INSTRUCTOR CURRICULUM, AND THE CONTINUING EDUCATION CURRICULUM MAY ONLY BE OFFERED BY APPROVED REAL ESTATE INSTRUCTORS. PERSONS WISHING TO BE APPROVED AS INSTRUCTORS MUST CONTACT THIS BOARD AND REQUEST AN INSTRUCTOR APPROVAL APPLICATION (ONE IS ENCLOSED).*

⇨ *THE SCHOOL MUST HAVE A PERMANENT FACILITY APPROVED BY THE MUNICIPAL AUTHORITY, WHERE IT IS LOCATED, TO BE A SCHOOL (YOU SHOULD BE SURE THIS IS POSSIBLE WITH YOUR CITY OR TOWN PRIOR TO BEGINNING THE SCHOOL APPROVAL PROCESS). THE SCHOOL MAY ALSO HAVE REGISTERED BRANCH LOCATIONS IN ADDITION TO THE MAIN FACILITY.(NOT REQUIRED FOR A PUBLIC SCHOOL BUILDING OR PUBLIC/PRIVATE COLLEGE/UNIVERSITY)*

⇨ *YOU WILL BE REQUIRED TO OBTAIN A BOND IN AN AMOUNT SET BY THE MASSACHUSETTS STATE AUDITOR. THE AUDITOR WILL CONTACT YOU AFTER YOU BEGIN THE APPROVAL PROCESS (NOT REQUIRED FOR A PUBLIC SCHOOL BUILDING OR PUBLIC/PRIVATE COLLEGE/UNIVERSITY).*

⇨ *AN APPLICATION FEE OF $27.00 AND A LICENSING FEE OF $117.00, AND A BRANCH FEE OF $65.00 FOR EACH BRANCH LOCATION MUST BE PAID TO THE COMMONWEALTH OF MASSACHUSETTS. THE APPROVAL IS VALID FOR TWO YEARS AND THE RENEWAL FEE IS $117.00 PLUS $65.00 FOR EACH BRANCH LOCATION.*

⇨ *YOU MUST COMPLETE THE BOARD APPLICATION.*

TO BEGIN THE APPROVAL PROCESS, SEND A LETTER REQUESTING THE APPLICATION PACKAGE. BE SURE TO INCLUDE THE FOLLOWING:

- ✓ *THE PROPOSED NAME OF THE SCHOOL*
- ✓ *A MAILING ADDRESS*
- ✓ *A DAY-TIME TELEPHONE NUMBER*
- ✓ *THE NAME OF THE INDIVIDUAL TO CONTACT*
- ✓ *A CHECK OR MONEY ORDER MADE PAYABLE TO THE COMM OF MA IN THE AMOUNT OF $27.00.*
- ✓ *A PUBLIC SCHOOL OR PRIVATE OR PUBLIC COLLEGE OR UNIVERSITY MUST ACCOMPANY A LETTER FROM THE SUPERINTENDENT OR IN THE CASE OF A COLLEGE OR UNIVERSITY THE DEAN OR PRESIDENT.*

IN THE CASE OF A PUBLIC SCHOOL OR PUBLIC/PRIVATE COLLEGE OR UNIVERSITY *THIS LETTER MUST BE ON LETTERHEAD AND SUBMITTED BY THE DEAN, PRINCIPAL OR SUPERINTENDENT AND THE SCHOOL NAME WILL BE THE SAME AS THE SCHOOL, COLLEGE OR UNIVERSITY.*

IMPORTANT*: IF YOU ARE ALREADY A REGISTERED BRANCH OF AN EXISTING SCHOOL, THE* ***SCHOOL*** *MUST CANCEL YOU AS A BRANCH BEFORE YOU CAN BE LICENSED INDEPENDENTLY AS YOUR OWN SCHOOL.*

SEND REQUEST TO:

MASSACHUSETTS REAL ESTATE BOARD
100 CAMBRIDGE STREET - ROOM 1313
BOSTON, MA 02202

THE BOARD DOES NOT APPROVE SCHOOLS LOCATED OUTSIDE THE COMMONWEALTH OF MASSACHUSETTS